

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**TRACY LAMAR WARREN,
TDCJ No. 1668000,**

Petitioner,

V.

**LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

www.pearsoned.com

Civil Action No. 7:19-cv-039-O-BP

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This is a habeas action brought pursuant to 28 U.S.C. § 2254 in which Petitioner challenges the validity of Disciplinary Action No. 20189070876 which was brought against him at the James V. Allred Unit of the Texas Department of Criminal Justice in Iowa Park, Texas. The United States Magistrate Judge entered his Findings, Conclusions, and Recommendation in which he recommends that the petition be denied. *See* ECF No. 16. Petitioner has filed objections. *See* ECF No. 20.

The District Court reviewed de novo those portions of the Findings, Conclusions, and Recommendation to which objections were made and reviewed the remaining Findings, Conclusions, and Recommendation for plain error. Finding no error, I am of the opinion that the findings of fact, conclusions of law, and reasons for denial set forth in the Magistrate Judge's Recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court.

In his objections, Petitioner states that he previously filed a Declaration in support of his petition. *See* Objections, ECF No. 20 at 4, 5. In his Declaration, Petitioner presents claims of

unconstitutional conditions of confinement. *See* ECF No. 12. He states that the Allred Unit is overcrowded and that medical services, mail delivery, food services, and other human needs are being denied or delayed due to inadequate prison staff, all in violation of the Eighth Amendment. *Id.* Here Petitioner presents claims that may be cognizable in a civil rights action. He asserts that these adverse conditions are currently ongoing. Therefore, he has ample time in which to seek relief under 42 U.S.C. § 1983 prior to the expiration of the two-year statute of limitations.

Accordingly, the petition for writ of habeas corpus is **DENIED**. To the extent that Petitioner presents claims cognizable in a civil rights action, such claims are **DISMISSED** without prejudice.

SO ORDERED this **13th day of July, 2020**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE